

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

TOM HIGGINS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

TV GUIDE MAGAZINE, LLC, a
Delaware limited liability company,

Defendant.

Case No.: 2:15-cv-13769

Hon. Stephen J. Murphy, III

Mag. Mona K. Majzoub

**PLAINTIFF'S AGREED COMBINED MOTION FOR A BRIEF 5-DAY
EXTENSION OF TIME TO FILE HIS MOTION FOR PRELIMINARY
APPROVAL AND FOR LEAVE TO FILE ENLARGED BRIEF**

Plaintiff Tom Higgins ("Plaintiff") hereby moves the Court for (i) a brief five (5) day extension of time to file his motion for preliminary approval of class action settlement, and (ii) leave to file an enlarged brief, not to exceed thirty-five (35) pages, in support of his forthcoming preliminary approval motion. In support of this agreed motion, Plaintiff states as follows:

1. As set forth in their Joint Motion for Reconsideration, on July 11, 2018, the Parties reached agreement on the principal terms of a class-wide settlement, which, if approved, will fully resolve all claims raised through this lawsuit against Defendant TV Guide Magazine ("Defendant"). (Dkts. 68, 69.)
2. Since that time, the Parties have diligently worked to negotiate the

final terms of their agreement and reduce the proposed settlement agreement to writing. However, the Parties require a brief extension of time to finish negotiating certain remaining ancillary terms and to finalize the proposed notice documents (which will be submitted to the Court for approval along with Plaintiff's motion for preliminary approval).

3. As such, the Parties respectfully request a brief five (5) day extension of the preliminary approval filing deadline (from August 31, 2018 to September 5, 2018).

4. Additionally, Plaintiff respectfully seeks leave of the Court to file an enlarged motion for preliminary approval of the class action settlement.

5. Though Plaintiff has made every effort to keep his preliminary approval brief as succinct as possible, he believes in good faith that the filing of a brief in excess of 25 pages is necessary to fully (i) address the facts and procedural posture of the case, as well as the unique legal issues presented by claims arising under Michigan's Preservation of Personal Privacy Act, (ii) set forth the material terms of the Parties' proposed settlement agreement, (iii) demonstrate that the proposed settlement class warrants certification under Rule 23(b)(3) for settlement purposes, and (iv) demonstrate that the Parties' proposed settlement warrants preliminary approval. *See* E.D. Mich. LR 7.1(d)(3)(A). Plaintiff is confident that he can fully and effectively present his brief in thirty-five (35) pages or less.

6. Plaintiff's counsel conferred with counsel for Defendant on August 29, 2018 by telephone. Defendant agrees to the relief requested herein.

WHEREAS, Plaintiff Tom Higgins respectfully requests that the Court enter an Order (i) extending Plaintiff's deadline to file his motion for preliminary approval of class action settlement to **September 5, 2018**, (ii) granting him leave to file an enlarged brief, not to exceed thirty-five (35) pages, in support of his motion for preliminary approval of class action settlement, and (iii) providing such other and further relief as the Court deems reasonable and just.

Respectfully submitted,

Dated: August 29, 2018

TOM HIGGINS, individually and on behalf of a class of similarly situated individuals

By: /s/ Ari J. Scharg
One of Plaintiff's attorneys

Ari J. Scharg
ascharg@edelson.com
Benjamin S. Thomassen
bthomassen@edelson.com
Schuyler R. Ufkes
sufkes@edelson.com
EDELSON PC
350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Eve-Lynn J. Rapp
erapp@edelson.com
EDELSON PC
123 Townsend Street, Suite 100
San Francisco, California 94107
Tel: 415.212.9300
Fax: 415.373.9435

Henry M. Scharg
hmsattyatlaw@aol.com
LAW OFFICE OF HENRY M. SCHARG
718 Ford Building
Detroit, Michigan 48226
Tel: (248) 596.1111
Fax: (248) 671.0335

*Counsel for Plaintiff Higgins and the
putative class*

CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, hereby certify that on August 29, 2018, I served the above and foregoing ***Plaintiff's Agreed Combined Motion for a Brief 5-Day Extension of Time To File His Motion for Preliminary Approval and For Leave To File Enlarged Brief*** on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF filing system.

/s/ Ari J. Scharg _____